

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MARPLE NEWTOWN SCHOOL DISTRICT	:	
Plaintiff	:	
vs.	:	Civil Action No. 07-0558
RAFAEL N., PARENT AND NATURAL	:	
GUARDIAN	:	
Defendant	:	

DECLARATION OF MICHAEL DONAHUE, ESQUIRE

1. I am an attorney licensed to practice law in the Commonwealth of Pennsylvania, as well as in the United States District Court for the Eastern District of Pennsylvania, and the United States Court of Appeals for the Third Circuit. I am employed as a senior attorney at Community Legal Services, Inc. ("CLS") which is located at 1424 Chestnut Street, Philadelphia, PA 19102.

2. I am the Chairperson of the Attorney's Fees Committee at CLS. The CLS Attorneys Fees Committee has the responsibility of setting hourly rates for CLS attorneys who are seeking court-awarded attorney's fees in CLS cases.

3. I began practicing law in 1977, having received a J.D. Degree that year from the Villanova University School of Law. From 1977 to 1987 I was employed, initially as a staff attorney and later as a supervising attorney, at Delaware County Legal Assistance Association, where, where I have provided legal assistance to low-income clients in mortgage foreclosures, bankruptcies, student loan disputes, real estate matters, utility matters and other consumer matters. From 1987 through the present I have been employed at Community Legal Services in the public housing and public benefits units, where I have provided legal assistance to low-income clients in the areas of public and subsidized housing and SSI, including the successful prosecution of 15 class actions and 6 matters before the Third Circuit Court of Appeals. I have

been a course planner and a faculty member for numerous Pennsylvania Bar Institute and Pennsylvania Legal Services continuing legal education programs on landlord tenant law. For two years I served as an Associate Professor in the clinical program at the Villanova University School of Law. I have also successfully prosecuted more than 600 cases pursuant to 42 U.S.C. Section 1983.

4. The CLS Attorney's Fees Committee establishes hourly rates for lawyers and support staff and coordinates the litigation and settlement of fees cases involving CLS.

5. The governing body of CLS is its Board of Trustees, which is composed primarily of private attorneys appointed by the Chancellor of the Philadelphia Bar Association who are representative of a cross-section of the Philadelphia Bar. The CLS Board has adopted a comprehensive attorney fee schedule based upon a survey of hourly rates charged by private law firms and individual practitioners in Philadelphia.

6. The CLS hourly rate schedule was most recently updated by the CLS Board of Trustees, effective April 1, 2006 (See revised hourly rate schedule effective November 18, 2003 attached hereto as Exhibit "A1"). The 2006 rate schedule was based on a comprehensive survey of the Philadelphia market for attorneys' fees conducted for CLS by an independent firm, Altman, Weil, Inc. (formerly Altman, Weil, Pensa) in 1996. Altman, Weil, Inc. is a legal management consulting firm that publishes various national surveys of law firm economics. The 1996 Altman, Weil, Pensa survey included a cross-section of solo practitioners, small, medium and large law firms, with over 40 firms, representing over 700 attorneys, responding. A copy of the survey is attached hereto as Exhibit "A2". The 1996 figures have been adjusted based on additional data provided by Altman, Weil, Inc. from its annual surveys of law firm hourly billing rates from 1998 to 2005. A copy of that additional data is attached hereto as Exhibit "A3". The

1996 special Altman, Weil, Pensa survey of the Philadelphia market was conducted in part to respond to perceived deficiencies in prior CLS hourly rate surveys conducted on a more informal basis by the Attorney's Fee Committee and/or the Board of Trustees.

7. The CLS hourly fee schedule is used by the CLS Attorney's Fee Committee in establishing hourly rates for CLS attorneys prior to filing fee motions in order to ensure that uniform criteria based upon prevailing market rates are applied to attorneys seeking court-awarded attorney's fees in CLS cases. The Committee also reviews court decisions as to hourly rates in the Philadelphia area for consistency with the current Rate Schedule.

8. The Third Circuit accepted the CLS hourly fee schedule as a "fair reflection of the prevailing market rates in Philadelphia." Maldonado v. Houstoun, 256 F.3d 181, 187, (3rd Cir. 2001), *quoting*, Rainey v. Philadelphia Housing Auth., 832 F.Supp. 127, 129 (E.D.Pa. 1993), *citing*, Swaayze v. Philadelphia Housing Auth., No. 91-2982, 1992 WL 81598 at *2 (E.D.Pa. Apr. 16, 1992).

9. Based upon my responsibilities and participation in the setting of hourly rates for CLS attorneys and after reviewing attorney fee awards entered in CLS cases, it is my experience that the U.S. District Court for the Eastern District of Pennsylvania has often cited to the CLS hourly rate schedule in deciding fee motions in CLS cases and has generally found that attorney's fees requested under the CLS Fee schedule are fair, reasonable and reflective of prevailing market rates in the Philadelphia legal community.

10. I am familiar with the tasks performed by counsel in prosecution of the instant action and I am also familiar with the issues involved.


11. Sarah Katz is a staff attorney at Community Legal Services with 4 years of legal experience, including three years as a staff attorney at Community Legal Services in the Family

Advocacy Unit and one year as clerk for the Honorable Norma L. Shapiro, Senior U.S. District Court Judge in the Eastern District of Pennsylvania. (See Declaration of Sarah Katz).

12. Based upon a review of Ms. Katz' responsibilities and experience, the CLS Attorney's Fee Committee has determined her hourly rate to be \$170.00 per hour.

13. Based upon my experience, and my familiarity with the hourly rates charged in the Philadelphia legal community by civil rights practitioners, and without regard to the CLS Attorneys Fees Schedule, I consider an hourly rate of \$170.00 per hour to be reasonable in light of prevailing market realities for an attorney of experience and skills similar to those of Ms. Katz.

This Declaration made under the penalties of perjury. Executed this 30th day of August, 2007, at Philadelphia, Pennsylvania.


Michael Donahue, Esquire